

House Resolution 1112

By: Representatives Jamieson of the 28th, Ray of the 136th, Buckner of the 130th, Reece of the 11th, and Kidd of the 115th

A RESOLUTION

Proposing an amendment to the Constitution so as to limit the power to take private property for public purposes to only the state, counties, municipalities, consolidated governments, and public utilities and only for designated public purposes which do not include transferring condemned land to private entities for purposes of economic development and increasing the tax revenues of a government; to provide for related matters; to provide for submission of this amendment for ratification or rejection; and for other purposes.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article I, Section III, Paragraph I of the Constitution is amended by striking subparagraphs (a) and (b) and inserting in their place new subparagraphs to read as follows:

"(a) The power of eminent domain shall be exercised only by the state, a county, municipality, or consolidated government of the state, or a public utility and shall not be exercised by any other government authority, government created entity or corporation, private entity, or person. The power of eminent domain when exercised as authorized under this Paragraph may be exercised with the intent to transfer ownership of the condemned property to a public authority or other government entity solely for the purposes authorized in this Paragraph. The power of eminent domain shall only be exercised for purposes of public roads and streets, public transportation, railways, utilities, government owned and used buildings, and public facilities for the general use of government or its citizens. The power of eminent domain shall not be used for purposes of increasing the tax revenue of a government, including the transfer of condemned land to a private entity for purposes of economic development. Except as otherwise provided in this Paragraph, private property shall not be taken or damaged for public purposes without just and adequate compensation being first paid.

(b) When private property is taken or damaged by the state or the counties or municipalities of the state for public road or street purposes, or for public transportation

1 ~~purposes, or for any other public purposes as determined by the General Assembly~~
2 authorized under this Paragraph, just and adequate compensation therefor need not be
3 paid until the same has been finally fixed and determined as provided by law; but such
4 just and adequate compensation shall then be paid in preference to all other obligations
5 except bonded indebtedness."

6 SECTION 2.

7 Article VIII, Section IV, Paragraph I of the Constitution is amended by striking subparagraph
8 (d) and inserting in its place a new subparagraph to read as follows:

9 "(d) The board of regents may hold, purchase, lease, sell, convey, or otherwise dispose
10 of public property, execute conveyances thereon, and utilize the proceeds arising
11 therefrom; ~~may exercise the power of eminent domain in the manner provided by law;~~
12 and shall have such other powers and duties as provided by law."

13 SECTION 3.

14 Article IX, Section II, Paragraph V of the Constitution is amended by striking such Paragraph
15 and inserting in its place a new Paragraph to read as follows:

16 "Paragraph V. ***Eminent domain.*** The governing authority of each county, ~~and of each~~
17 municipality, or consolidated government shall ~~may~~ exercise the power of eminent
18 domain only for ~~any a~~ public purpose authorized under Article I, Section III, Paragraph
19 I of this Constitution."

20 SECTION 4.

21 Article IX, Section II, Paragraph VII of the Constitution is amended by striking subparagraph
22 (a) and inserting in its place a new subparagraph to read as follows:

23 "(a) The General Assembly may authorize any county, municipality, or ~~housing authority~~
24 consolidated government to undertake and carry out community redevelopment, which
25 ~~may~~ shall not include the sale or other disposition of property acquired by eminent
26 domain to private enterprise for private uses."

27 SECTION 5.

28 The above proposed amendment to the Constitution shall be published and submitted as
29 provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the
30 above proposed amendment shall have written or printed thereon the following:

1 "() YES Shall the Constitution of Georgia be amended so as to limit the power to
2 take private property for public purposes to only the state, counties,
3 () NO municipalities, consolidated governments, and public utilities and only for
4 designated public purposes which do not include transferring condemned
5 land to private entities for purposes of economic development and
6 increasing the tax revenues of a government?"
7 All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."
8 All persons desiring to vote against ratifying the proposed amendment shall vote "No." If
9 such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall
10 become a part of the Constitution of this state.